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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,861	09/12/2000	Kamil Grajski	OCTEL-00700	6172
28960	7590	06/27/2005	EXAMINER	
HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			OPSASNICK, MICHAEL N	
			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,861

Applicant(s)

GRAJSKI, KAMIL

Examiner

Michael N. Opsasnick

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-28 is/are allowed.
- 6) ☒ Claim(s) 1-17 and 29-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 18-28 are allowable over the prior art of record.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyers et al (5715372) in view of Howes et al (6578007).

As per claim 1, Meyers et al (5715372) teaches a human reviewer reviewing output of an information processing system (abstract, col. 1 lines 1-15) comprising:

“means for extracting an attribute from the output” as extracting a feature set (col. 2 lines 35-39);

“means for selecting.....based on the attribute” as matching the eight signal characteristics with the speakers used for the MOS test, and using the score to rate the system (col. 7 lines 13-47).

Meyers et al (5715372) teaches selecting eight signal characteristics from the eight speakers during the training session, not from the eventual output of the results. Meyers et al (5715372) does not explicitly teach using the output results to choose the transcriber, however, Howes et al (6578007) teaches choosing the transcriptionist based on attributes from the report (col. 2 lines 4-13). Therefore, it would have been obvious to one of ordinary skill in the art of transcription services to modify the teachings of Meyers et al (5715372) with transcription assignment because it could advantageously handle higher priority transcriptions according to various rules (Howes et al (6578007), col. 2 lines 8-16).

As per claims 2,3, Meyers et al (5715372) teaches using the speaker that are familiar with the MOS parameters (col. 7 lines 38-45).

As per claim 4, Meyers et al (5715372) teaches transmission of the information (col. 7 lines 43-45).

As per claim 5, Meyers et al (5715372) teaches error testing (col. 7 lines 45-48).

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4. Claims 6-17,29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al (6122614) in view of Romano et al (5991595).

As per claims 6,7,8,29, Kahn et al (6122614) teaches a text transcription system with speech recognition (speech input converted to text) comprising (col. 1 lines 1-10, col. 2 lines 15-25) word extraction allowing the user/operator to review the comparison (col. 2 line 40-55). Kahn et al (6122614) also teaches allowing the user to edit/review the selections during a training phase of the system, including storing information about the user/reviewer (col. 3 lines 9-25; col. 6 line 56 – col. 7 line 20; col. 7 lines 45-55; col. 8 lines 2-28). Kahn et al (6122614) does not explicitly teach selecting a reviewer based on the keyword, however, Romano et al (5991595) teaches choosing the reviewer based on a correlation between the information of the document and the reviewer's ratings (Romano et al (5991595), col. 4 lines 39-44). Therefore, it would have been obvious to one of ordinary skill in the art of document transcription to modify the teachings of Kahn et al (6122614) to include a selection of reviewers based on performance because it would advantageously choose a reviewer matched with the subject matter, as well as improving quality assurance (Romano et al (5991595), col. 3 lines 9-14; col. 4 lines 25-33).

As per claims 9,30, the combination of Kahn et al (6122614) in view of Romano et al (5991595) teaches updating the profile of the reviewers (Romano et al (5991595), col. 4 lines 20-25).

As per claims 10-12,31, the combination of Kahn et al (6122614) in view of Romano et al (5991595) teaches the reviewer profile to match topic, volume of samples, and volume of candidate samples (Romano et al (5991595), col. 4 lines 62-67).

As per claim 13, the combination of Kahn et al (6122614) in view of Romano et al (5991595) teaches adjusting the profile based on the user's input (Kahn et al (6122614), col. 7 lines 46-60) .

As per claims 14,34, the combination of Kahn et al (6122614) in view of Romano et al (5991595) teaches updating the list of reviewers (Romano et al (5991595), col. 10 lines 23-35) .

As per claims 15,16,32,33, the combination of Kahn et al (6122614) in view of Romano et al (5991595) teaches showing the potential matches of the unmatched word, in addition to providing more possible matches to the unmatched word (showing different degrees of possibilities, or confidence), using audible clues from the program, including repeating the output (Kahn et al (6122614), col. 9 lines 35-40, col. 9 lines 55-64).

As per claim 17, the combination of Kahn et al (6122614) in view of Romano et al (5991595) teaches selection of a portion of the document (fig. 5).

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As per claim 35, the combination of Kahn et al (6122614) in view of Romano et al (5991595) teaches correcting the transcripts (Kahn et al, col. 9 lines 55-64),

As per claim 36, the combination of Kahn et al (6122614) in view of Romano et al (5991595) teaches feedback to the user (Kahn, fig. 2b, subblock 310).

Response to Arguments

5. Applicant's arguments filed 3/3/05 have been fully considered but they are not persuasive. As per the arguments on top of page 3 with respect to output, examiner argues that the phrase "automatically transcribed output" is located only in the preamble, and therefore does not have patentable weight (the word "output" does have patentable weight, but not "automatically transcribed"). As per the arguments presented in the middle of page 4 of the response, examiner argues that the selected constructed responses are automatically analyzed and matched with an evaluation of raters; in particular (pertaining to the arguments presented on the bottom of page 4) the matching that occurs is based on a matching between user and the constructed response. The rater may select the category, but the system chooses or matches the document with the status of the rater. As per the arguments presented on the bottom of page 5 of the response, examiner argues that the attribute in Romano is the match itself between the document category and the status of the rater.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The facsimile phone number for this group is (571)272-7629.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571)272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno
6/22/05


SUSAN MCFADDEN
PRIMARY EXAMINER